IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.1542 OF 1986

Mahesh Chintaman Patil .. Petitioner

Versus

The State of Maharashtra
& Ors. .. Respondents

Mrs.Deepa Ahuja i/b Mr.V.B.Naik for the petitioner

Mr.Y.D.Mullani, A.G.P. for the respondent no.1 to 5

CORAM: A.P.SHAH &
S.U.KAMDAR, JJ

DATED: 23RD SEPTEMBER, 2004

ORAL JUDGMENT (PER S.U.KAMDAR, J.):

1. In the present petition the petitioner is challenging the order passed by the caste scrutiny Committee invalidating the caste certificate of the petitioner. The petitioner claims that he belongs to a Scheduled Tribe known as Mahadeo Koli.

2. The application of the petitioner for caste scrutiny verification was considered by the Caste Scrutiny Committee and by an order dated 22nd May

1985 the claim of the petitioner came to be rejected.

3. The petitioner relied upon various documents before the committee and after considering the probative value of the said documents the Caste Scrutiny Committee has found that these documents do not justify the claim of the petitioner. The caste scrutiny committee has found that only the school leaving certificate of the petitioner indicates the caste as Mahadeo Koli. In respect of other documents on verification the committee has found that all these documents indicate that the caste of the petitioner and/or his relatives is Koli and not Mahadeo Koli. On the aforesaid consideration, the Caste Scrutiny Committee has given a finding of fact which is as under:

> "The question before the Committee was to decide as to how the father of the candidate has managed to mention the caste of his son as Mahadeo Koli in his school record. The father of candidate has admitted that though his caste is Koli he mentioned the caste of his son as Mahadeo Koli. The Committee has given a considered thought to his say and the present practice of mentioning the caste in

> the school record. It is observed that the caste can be mentioned in the school record at the time of first admission of the student on the declaration of parents. In the instant case, it is proved that the candidate's father was well aware of the concessions available for Mahadeo Koli, Scheduled Tribe right from the year 1958 and though he was belonging to Koli caste, obtained the caste certificate of belonging to Koli Mahadeo Scheduled Tribe. It was quite convenient for such a person to get the caste of his son recorded as Koli Mahadeo at primary level. Thereafter, it has become very easier for the candidate to claim the same caste i.e. Koli Mahadeo at the subsequent stages of education and also for obtaining the caste certificate. Thus, though the father of the candidate is from Koli caste has manipulated to obtain the caste certificate from himself and managed to mention the caste of his son as Koli Mahadeo by using frivolous means under false pretext."

4. On the basis of the aforesaid finding of fact the committee has come to the conclusion that the petitioner has failed to establish his caste claim as Mahadeo Koli. In the aforesaid circumstances, the 2nd respondent committee has invalidated the caste claim of the petitioner herein.

5. We have perused the order passed by the caste scrutiny committee. We find that the caste

scrutiny committee has considered all the documents and its probative value. We also do not find any perversity in the finding of fact recorded by the caste scrutiny committee on appreciation of the documentary evidence produced before it. We are not inclined to interfere with the finding of fact recorded by the caste scrutiny committee holding that the petitioner’s caste is Koli and not Mahadeo Koli. In the aforesaid circumstances, we dismiss the present petition. However, there shall be no order as to costs.